

## **BNSF Principles for FRA's Final Rule on Use of Locomotive Horns**

On April 27, in response to a Congressional mandate, the Federal Railroad Administration (FRA) issued a Final Rule on the Use of Locomotive Horns at Highway-Rail Grade Crossings. This final rule, which takes effect June 24, 2005, requires that locomotive horns be sounded as a warning to highway users at public highway-rail crossings. In addition, the final rule allows communities nationwide to mitigate train horn noise by establishing new "quiet zones." The rule also outlines how communities with pre-existing "whistle bans" can preserve the quiet they have become accustomed to.

### **Overview of new rule**

The FRA rule eliminates the ability of states, municipalities or other local entities to unilaterally designate areas where locomotive engineers are not required to sound their horns at highway grade crossings. Instead, the rule outlines measures that must be completed before quiet zones can be established or existing quiet zones retained. In many cases, the rule makes these designations subject to FRA review, approval and ongoing oversight.

The final rule provides for six types of quiet zones, ensures the involvement of state agencies and railroads in quiet zone development, gives communities credit for pre-existing safety warning devices at grade crossings, and addresses other issues including private and pedestrian crossings in a quiet zone.

Under the new rule, local governments may establish quiet zones or continue existing quiet zones, if they are willing to take remedial steps to address risk, based on a calculation of potential risk at the crossing. These remedial steps can include crossing closure, grade separation, full-width crossing gates with an approved median divider, full-width gates and lights at crossings on a one-way street, temporary closure (for nighttime quiet zones only) or four quadrant gates. The rule also allows for an automated horn system at the crossing as a substitute for the train horn, if this provision is approved by the Federal Highway Administration. Certain Alternative Safety Measures (ASMs) are also described.

To establish a new quiet zone, each public grade crossing must be equipped with flashing lights and gates, power-out indicators and constant warning time in the track circuits. Additional safety measures may be required to compensate for the absence of the horn as a warning device. New quiet zones can be in effect 24 hours a day or just overnight between 10 p.m. and 7 a.m.

Communities with a whistle ban in effect on Oct. 9, 1996 (the date Congress directed FRA to address existing bans) and on Dec. 18, 2003 (the date the Interim Final Rule was published) may keep the train horns silent for at least five to eight more years as they plan for and install any additional necessary safety measures.

Communities with a whistle ban created after Oct. 9, 1996, and in effect on Dec. 18, 2003, will have one year to install any additional necessary safety measures before the train horns will start sounding again.

### **Instructions for train crews**

The rule also reduces the amount of time the horn is sounded. As the rule currently states, outside of quiet zones, the horn must be sounded 15-20 seconds prior to a train's arrival at public grade crossings, but not more than ¼-mile in advance of the crossing. BNSF and others in the rail industry are currently reviewing

this provision. Timetable instructions will be provided to BNSF train crews prior to implementation of the rule on June 24, 2005.

The rule requires locomotive engineers to sound horns when roadway workers are present. The rule also empowers locomotive engineers to sound the horn in the case of an emergency, even in a quiet zone.

Train horns must be sounded at crossings within new quiet zones until all required safety measures are constructed and in service.

State laws requiring the sounding of the horn at private crossings (i.e., all California private crossings and selected Montana private crossings as requested by the landowner) are not affected by this new rule and remain in effect.

### **Handling community requests**

Employees who are contacted by communities about this rule should refer those communities to Mr. Lyn Hartley, Director Public Projects, who can be reached at [Lyn.Hartley@bnsf.com](mailto:Lyn.Hartley@bnsf.com). Hartley and his team are best equipped to help communities determine whether or not a quiet zone is possible and answer other questions about the new rule.

The rule requires communities to submit a written request to initiate the quiet zone process. For proposed quiet zones that would involve BNSF public grade crossings, these requests can be submitted to:

Mr. Lyn Hartley  
Director Public Projects  
BNSF Railway Company  
4515 Kansas Avenue  
Kansas City, KS 66106

Applicants are encouraged to contact BNSF early in the process to minimize delays; identify how all road jurisdictions in the quiet zone will be involved; and understand the benefits and drawbacks in the rule of potential Supplemental Safety Measures (SSMs) and Alternative Safety Measures (ASMs).

Applicants are also encouraged to use a diagnostic team process with the state's Department of Transportation, FRA and the railroad. They will be encouraged to close or convert private crossings to public crossings and to have gates and lights at such crossings.

If an SSM or ASM is required to qualify for a quiet zone or a Pre-Rule Quiet Zone, applicants must identify funding sources. If BNSF would need to install the SSM, BNSF will estimate the construction and maintenance charges. BNSF requires completion of a construction/maintenance agreement before work will begin.

The Final Rule on the Use of Locomotive Horns at Highway-Rail Grade Crossings is available at the U.S. Department of Transportation Docket Management System web site at <http://dms.dot.gov/> docket number FRA-1999-6439-3923. Additional information is located at the FRA Web site at [www.fra.dot.gov](http://www.fra.dot.gov).